

# Application for Waiver of Chapter 7 Filing Fee

- Pursuant to **28 U.S.C. § 1930(f)**, in an individual Chapter 7 case filed on or after 10/17/05, the debtor may file an **Application for Waiver of Chapter 7 Filing Fee** if the court determines that the individual has **income less than 150 percent of the income official poverty line** (defined by OMB) applicable to a family of the size involved and is unable to pay that fee in installments.

# Official and Interim Local Forms and Interim Local Rule Changes

- **Official Form 1** – includes a check box for the debtor to indicate that a fee waiver has been requested.
- **Official Form B3B** “Application for Waiver of the Chapter 7 Filing Fee”.
- **Interim Local Form D** – Expense Information – this is a new form which must be filed by the debtor if Schedule J has not been filed with the petition.
- **Interim Local Rule 1006-1** is amended to include the procedure for filing an application to waive the filing fee.

# Petitions Filed Without The Required Filing Fee

If the petition is filed without either the filing fee or an Application to Waive the Fee or an Application to Pay in Installments, a **2 Business Day Notice of Missing Documents** will issue requiring the Debtor to do one of the following:

- ☐ Pay the filing fee
- ☐ File a signed Application to Waive Filing Fee (Official Form B3B), or
- ☐ File an Application to Pay in Installments.

**See amended Interim Local Rule 1007-1(b)**

# Defective Application to Waive the Filing Fee

- If an **Application to Waive the Filing Fee** is defective for any reason (i.e. improper signature, wrong form), the Court will automatically enter an order denying the Application and will order that the filing fee be paid in installments. See R.I. Interim Local Rule 1006-1.

# **Future Fees Arising In Cases Where The Filing Fee Has Been Waived**

- The granting of an Application to Waive the Filing Fee applies to all future fees that arise in the case.
- Future fee screens will not appear in cm/ecf.
- The court may vacate an order waiving the filing fee if developments in the case or administration of the estate demonstrate that the waiver was unwarranted.

# Conversions

- If the filing fee of an individual chapter 7 debtor is waived and that debtor's case later converts to a case under chapter 13, the debtor must pay the full chapter 13 filing fee.
  - The Debtor will be given fifteen (15) days to either pay the fee in full or to file an Application to Pay in Installments (if applicable).

## Electronic Filing of New Case with Application to Waive the Fee

- An Attorney filing a new case electronically for a debtor seeking to waive the filing fee, shall proceed as follows:
  - Open the case using the **Case Opening event** (not case upload)
  - **Change the Fee status to “IFP Fee Waived”** on the screen listing type of debtor and other statistical information
  - **File the Application to Waive** (Form 3B) using the event "Application to Waive Chapter 7 filing fee", listed under motions/applications".
  - If the motion is denied, the Debtor will be immediately placed into an installment payment plan and will have 10 days to make their first installment.